

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-2136V

UNPUBLISHED

JULIA ADAMCZYK,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 8, 2022

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Vasovagal
Syncope

John A. Adamczyk, Pittsburg, PA, for Petitioner.

Katherine Carr Esposito, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On November 5, 2021, Eric Adamczyk, parent and legal guardian of J.A., a minor, and J.A., in her own right, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). J.A., or Julia Adamczyk, is now the petitioner in this matter. Petitioner alleges that she suffered “injuries, including skull fracture and concussion, resulting from adverse effects of a Fluarix Quadrivalent PFS (“flu”) vaccination received on November 11, 2018.” Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 27, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation. On November 7, 2022, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$80,414.56 (consisting of \$75,000.00 for actual and projected pain and suffering, and \$5,414.56 for out-of-pocket

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

medical expenses paid for by Petitioner's father). Proffer at 2-3. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner the following:**

- (a) a lump sum payment of \$75,000.00 for actual and projected pain and suffering in the form of a check payable to the Petitioner; and**
- (b) a lump sum payment of \$5,414.56 in the form of a check payable jointly to Petitioner and Eric Adamczyk for out-of-pocket medical expenses.**

These amounts represent compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

JULIA ADAMCZYK,

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V.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

No. 21-2136V

Chief Special Master Corcoran

ECF

RESPONDENT'S PROFFER OF COMPENSATION

On November 5, 2021, Julia Adamczyk (“petitioner”) filed a Petition for Compensation (“petition”) under the National Childhood Vaccine Injury Act of 1986, as amended (“the Vaccine Act” or “the Act”). 42 U.S.C. §§ 300aa-1 to -34. Petitioner alleges that she suffered “injuries, including skull fracture and concussion” resulting from adverse effects of an influenza vaccination received on November 11, 2018. *See* Petition at 1. On September 26, 2022, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act, and the Chief Special Master subsequently issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 24; ECF No. 26.

I. Items of Compensation

Respondent proffers that petitioner be awarded \$80,414.56 for all damages available pursuant to 42 U.S.C. § 300aa-15(a). Of the total amount, \$75,000.00 represents an award for actual and projected pain and suffering, and the award for projected pain and suffering has been reduced to net present value. *See* 42 U.S.C. § 300aa-15(a)(4). Of the total amount, \$5,414.56

represents documented out-of-pocket medical expenses paid for by petitioner's father, Eric Adamczyk, on petitioner's behalf when she was a minor. There are no other claimed categories of compensation. Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Petitioner requests and respondent recommends that the compensation provided to petitioner should be made through two lump sum payments, and respondent requests that the Chief Special Master's decision and the Court's judgment award the following: ¹

- (1) a lump sum of \$75,000.00 in the form of a check payable to petitioner, Julia Adamczyk; and
- (2) a lump sum of \$5,414.56 in the form of a check payable jointly to petitioner, Julia Adamczyk, and Eric Adamczyk.

III. Summary of Recommended Payments Following Judgment

Lump sum payable to petitioner, Julia Adamczyk:	\$75,000.00
Lump sum payable jointly to petitioner and Eric Adamczyk:	\$5,414.56

Respectfully submitted,

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Principal Deputy Assistant Attorney General

C. SALVATORE D'ALESSIO
Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future pain and suffering, and future lost wages.

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

s/Katherine C. Esposito
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Dated: November 7, 2022